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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,205	12/19/2000	Allan Hunt	876.0001USU	7684

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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/741,205

Applicant(s)

Hunt

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 19, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16, 25-32, and 41-48 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 17-22, 24, 33-38, and 40 is/are rejected.
- 7) ☒ Claim(s) 7, 23, and 39 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 and 4 6) ☐ Other:

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## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

***The language should be clear and concise and should not repeat information given in the title.*** It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

2. The drawings are objected to because of the "empty boxes" in claim 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-6, 8, 17-22, 24, 33-38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Cummings et al (Cummings), U.S. Patent No. 6,307,377.

Regarding claims 1, 17 and 33, Cummings discloses a method/apparatus/mobile phone (col. 1, lines 9-33) of indicating extant battery life, comprising the steps of: (a) initially determining a first extant battery life value having a first confidence level; (b) generating a perceivable indication of said first battery life value; © determining a second extant battery life value having a second confidence level; and (d) generating a perceivable indication of said second battery life value after generating the perceivable indication of said first battery life value, wherein the second confidence level is higher than said first confidence level and said determination of said first extant battery life value is completed before said determination of said second extant battery life value is completed (col. 4, lines 43-52, col. 5, lines 15-64).

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Regarding claims 2, 18 and 34, Cummings discloses the method/apparatus mobile telephone according to claims 1, 17 and 33 wherein the manner of indicating the second battery life value is different from the manner of indicating the first battery life value (col. 4, lines 43-52, col. 5, lines 15-64).

Regarding claims 3, 19 and 35, Cummings discloses the method/apparatus mobile telephone according to claims 1, 17 and 33 wherein the first and second battery life values are indicated visually.

Regarding claims 4, 20 and 36, Cummings discloses the method/apparatus mobile telephone according to claims 1, 17 and 33 wherein the first extant battery life value is determined on the basis of an average of a plurality of battery voltage readings (col. 6, lines 41-46).

Regarding claims 5, 21 and 37, Cummings discloses the method/apparatus mobile telephone according to claims 4, 20 and 36 wherein the first extant battery life value is read from a lookup table in dependence on said average (col. 6, lines 8-46).

Regarding claims 6, 22 and 38, Cummings discloses the method/apparatus mobile telephone according to claims 1, 17 and 33 wherein the second extant battery life value is determined on the basis of a plurality of time-spaced battery voltage readings (col. 9, lines 4-35).

Regarding claims 8, 24 and 40, Cummings discloses the method/apparatus mobile telephone according to claims 4, 20 and 36 wherein the second extant battery life value is

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determined on the basis of a plurality of time spaced battery voltage readings and the first of said time spaced readings is used for calculating said average (col. 6, lines 8-46).

*Allowable Subject Matter*

5. Claims 7, 23 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 7, 23 and 39, prior art fails to suggest or render obvious the formula described to calculate extant battery life on the basis of three voltage readings.

7. Claims 9-16, 25-32 and 41-48 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 9, 25 and 41, prior art fails to suggest or render obvious a method/apparatus/phone for indicating extant battery life for a battery powered apparatus by determining a first extant battery life value and a second extant battery life related to first and second operating modes, respectively, wherein the values have first and second confidence

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levels, respectively, and wherein the second confidence level is higher than the first confidence level and the first mode places a greater current demand on the battery than the second mode.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crane, U.S. Patent No. 6,463,305, discloses a power management system for cellular telephones.

Charron, U.S. Patent No. 6,314,307, discloses a portable electronic apparatus having a detection device for detecting a variation of the supply voltage.

Proctor et al, U.S. Patent No. 5,895,440, discloses a battery monitor and cycle status indicator.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 7:00 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2600 Customer Service whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 202314

**or faxed to:**


(703) 872-9306 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121*

*Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

TMD

November 2, 2003

  
**TEMICA M. DAVIS**  
**PATENT EXAMINER**